



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Jaw

Application Number: 10/804,396
Filing Date: 03/19/2004
5 Applicant: Dan Steinberg
Application Title: **Sandals and Flip-Flops With Non-Slip Foot Surface**
Examiner: Kavanaugh John T.
Art Unit: 3728

10 RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

15 Sir:

In response to the office action mailed **12/08/2004**, kindly consider the following remarks.

Applicant has been required to select one of the following species for prosecution:

Species 1: Fig. 1, further selecting subspecies Fig 4 or Figs 5a, 5b

Species 2: Figs. 2-3, further selecting subspecies Fig 4 or Figs 5a, 5b

20 Species 3: Figs. 6-8

Species 4: Fig. 9

Species 5: Fig. 10

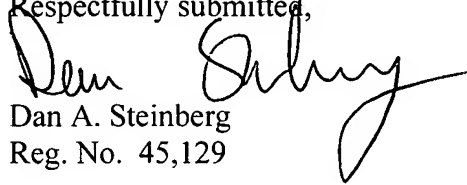
The Office Action asserted that no claim appears generic. Applicant respectfully disagrees with this assertion. Claim 1 is generic, and reads on all the species identified. Specifically, claim 1 includes
25 the limitation "granules providing a high-traction surface bonded to an upper surface of the sandal." In this case, the language "bonded to" includes the options of the granules being adhered to the sandal via adhesive (i.e. the species of Fig. 4), embedded in the sandal sole (i.e. the species of Figs. 5a, 5b, or 6), or embedded in plugs in the sandal sole (i.e. the species of Fig. 8). These different embodiments are all within the scope of "bonded to". These different embodiments are reflected in claims 5, 6, and 7.
30 Claim 1 is also generic in that it is not limited to the regions where the granules are bonded (i.e. the granules can be bonded over the entire sole, or on any region or regions of the sole).

Claims 12 and 19 are also generic, and apply to all the different mechanisms for bonding the granules to the sole (i.e. embedding granules in the sole, adhering granules with an adhesive layer, employing plugs with granules, or employing recessed areas of granules in the sole).

Applicant does not believe that the species are obvious variants.

5 Applicant chooses to elect species 2 (Figs. 2-3), subspecies A (Fig. 4). Claims readable on this species/subspecies include claims 1, 2, 3, 5, 10, 12, 14, and 19.

Respectfully submitted,


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